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C O N F I D E N T I A L KUWAIT 000036

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NEA/ARP, NEA/RA, NEA/I, OSD-DPMO FOR LTC BILL THOMAS

E.O. 12958: DECL: 01/18/2020
TAGS: [PREL](#) [PHUM](#) [MARR](#) [PGOV](#) [IZ](#) [KU](#)
SUBJECT: TRIPARTITE TALKS: POSITIVE VIBES BUT NOTHING TO
SHOW

REF: A. 2009 KUWAIT 1101
[1](#)B. 2009 KUWAIT 1048
[1](#)C. 2009 KUWAIT 0972

Classified By: Political Counselor Pete O'Donohue for reasons 1.4 b and
d

Summary

[1](#)1. (C) Despite continued, laudable efforts by the GoI Ministry of Human Rights to secure progress on recovering the remains of Kuwaiti MIAs -- including formation of an Iraqi interagency coordinating committee -- the lack of tangible progress and the looming June expiry of the Tarasov UN Mandate imbued the January 12 Tripartite Commission's (TC) Technical Subcommittee (TSC) meeting with a more somber tone than the preceding session. While TSC participants continued to assert that the TSC represents a model of working-level bilateral cooperation between the governments of Iraq and Kuwait, and remains "on the right track," the lack of Iraqi progress on identifying and repatriating Kuwaiti remains is causing doubts to creep in about the GoI's seriousness and/or ability to deliver. End summary.

GoI's Ongoing Efforts Warrant Praise

[1](#)2. (U) ICRC Regional Delegate Jean-Michel Monod on January 12 opened the 63rd Technical Sub-Committee (TSC) session with praise for the continued momentum of positive action-level cooperation between the Iraqi delegation and TC members. In response to a previous Kuwaiti request for better coordination among Iraqi ministries to improve information flows relevant to the search for the missing, GOI Ministry of Human Rights' (MOHR) representative Mr. Arkan Saleh announced the formation of a GOI Interagency Committee, a body that will draw on various resources from the Iraqi ministries of Interior, Defense and National Security. Saleh also updated TSC members on attempts to verify eyewitness accounts and Iraqi excavation efforts -- so far fruitless -- in Nasseriya, Samawa and Salman Pak. Expressing his appreciation for the formation of the group, but citing TSC concerns about poor information flows within and between GOI circles, Monod conveyed his disappointment that in recent excavations in Nasseriya, as noted by an ICRC official, GOI teams worked at sites already confirmed as not containing mortal remains.

Raiders of the Lost Archives

[1](#)3. (C) Spurred by the successful November discoveries of remains in Kuwait (refs A,B) TSC members instigated archive

searches for information shedding light on the Iraqi units and commanders responsible for the executions and burials of Kuwaitis in Iraq. As a result of this effort, the Kuwaiti National Committee for Missing and POW Affairs (NCMPA) presented the TSC with documents of Kuwaiti survivor accounts from the 1991 Iraqi occupation identifying some 150 names of Iraqis believed to have been involved in the capture, transport, executions and burials of the Kuwaiti missing. Many of those named are still believed by the GoK to be at large. The NCMPA, in requesting TSC assistance in tracking down these Iraqis, agreed not to pursue these individuals for criminal or war crime prosecution, but solely to obtain their testimonies on the disposition of remains. (Note: The list of names, accompanied by classified Iraqi military documents also provided by the NCMPA has been shared with Embassy interagency members. End note).

¶4. (C) Also, Monod sought strategy advice in a January 10 meeting with U.S. and British TSC delegates after a search through ICRC archives in Geneva and in local offices uncovered copies of 1991 period burial reports containing the names of deceased Iraqi soldiers and lists of their personal effects. Monod acknowledged the full compliance with Article 3 Geneva Conventions by 1991 Coalition partners regarding the disposition of mortal remains in combat. By July 1991, he confirmed, Coalition forces had provided the ICRC full accounts of locations of all known Iraqi KIAs (note: respecting Islamic burial rites, these remains were actually interred by Saudi mortuary battalions) but the Saddam Hussein regime, after receiving this information, took no steps to recover these remains.

¶5. (C) Monod expressed concern that efforts to recover the approximately 1000 Iraqi KIAs believed to be buried in Kuwait, Saudi Arabia and Iraq might derail the ICRC's primary mandate of recovering mortal remains of Kuwaitis buried in Iraq. However, after consultations with TSC participants, he agreed to develop a strategy of leveraging the information on these burial sites with the GOI based on continued efforts in Iraq. He also agreed to build Kuwaiti and Iraqi technical and forensic capacity by insisting that Iraqi teams participate in excavations that take place in Kuwait. As a test case, he proposed that Kuwait host a forensic experts meeting to include scientists and cartography experts to brainstorm ways forward. This session, which will likely take place in March or April, will be followed by the excavation of a Kuwaiti site using information uncovered in the archives.

Tarasov "Positive but Cautious"

¶6. (C) Ambassador Gennady Tarasov, UN High-Level Coordinator for the repatriation of Kuwait's missing persons and archives, visiting TC/TSC members on the margins of the TSC, told Ambassador January 13 that he shared the collective optimism over improved atmospherics, but was suspicious about the GOI's motives and staying power. Frustrated over the lack of success in recovering either remains or the missing archives, and with an eye on the looming June expiry of his mandate, he stated that the Iraqis have mastered the rhetoric, but failed to "deliver the goods." He added that SYG outlined for him two goals for his mandate: enhanced bilateral cooperation and tangible results in finding the Kuwaiti archives and mortal remains. According to Tarasov, the TSC process was clearly meeting the UNSYG's goal of enhanced bilateral cooperation, but much work remained in achieving the latter goal.

¶7. (C) Tarasov welcomed the recent GoK donation of \$974,000 to UNAMI for GoI MOHR capacity building, but expressed frustration with what he characterized as Iraqi petulance in response to Kuwait's gesture. On learning of the donation, Saleh complained to Tarasov that the funds were earmarked largely for the International Commission on Missing Persons (ICMP) vice MOHR program support. Frustrated, Tarasov complained to Ambassador that the GoI must first "graciously

accept Kuwait's kind offer," and then focus on how to spend the funds most expeditiously.

18. (C) Tarasov said that MFA's International Organizations Department Director, Ambassador Mansour Al-Otaibi told him that GoK desires proof from Iraq that a genuine effort to locate the missing Kuwaiti archives is underway. "'We don't know!' is no longer a sufficient response," Al-Otaibi told Tarasov, and called on the GoI to set up an interagency group (similar to the one established to hone the search for mortal remains) to coordinate efforts to find the archives. Ambassador suggested to Tarasov that though the GoI faces many obstacles in the search for the missing archives and mortal remains, it was important that the GoI recognize that positive results in these areas would influence positively subsequent GoK efforts with its own parliament to address Iraq's financial obligations to Kuwait, and vice versa. Any tangible result in either category "would go a long way" in assuaging the Kuwaiti public, press, and parliamentarians, whose approval must be secured before the GoK can make overtures of leniency toward Iraqi debt.

Comment: Rhetoric Without Result is Insufficient

19. (C) As noted by the ICRC and UN (through Ambassador Tarasov), the GoI's proactive approach in 2009 to the TC/TSC's efforts has engendered a process of increased institutional bilateral cooperation at the action level. Thus far, success has been defined as increased bilateral communication and effort -- both of which are commendable -- but as aired by Tarasov in his conversation with Ambassador, suspicion is growing that the GoI's cooperative language is aimed at mitigating burdensome Chapter VII obligations, and is not being accompanied by serious efforts on the ground. As Ambassador reminded Tarasov, the GoK will be looking for actions from the Iraqis, not more rhetoric. Such actions should include serious effort to determine the disposition of the missing Kuwaiti archives and location of mortal remains of Kuwait's MIAs, as well as the actual maintenance of UN-designated borders, assignment of an Ambassador to Kuwait, and the physical removal of encroaching farmers from Kuwaiti

lands. Only following such actions will Kuwaitis be persuaded that Iraq no longer threatens their sovereignty and is worthy of unfettered membership in the international community. End comment.

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JONES